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C O N F I D E N T I A L SECTION 01 OF 02 TOKYO 001607

SIPDIS

DEPT FOR NEA/I-PM, PM, AND EAP-J

E.O. 12958: DECL: 06/11/2018

TAGS: [MARR](#) [PREL](#) [IZ](#) [JA](#)

SUBJECT: IRAQ POST-UNSCR: JAPANESE RESPONSES ON TIMING FOR
FOLLOW-ON ARRANGEMENTS

REF: A. STATE 60836

[1](#)B. TOKYO 1464 (NOTAL)

[1](#)C. TOKYO 1554 (NOTAL)

Classified By: Ambassador J. Thomas Schieffer for reasons 1.4(b) and (c)
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[1](#)1. (C) This is an ACTION REQUEST. See paragraph 9.

[1](#)2. (C) SUMMARY: Workinglevel contacts tell us that Japan has made no decision yet on what type of arrangements it plans to pursue with regard to the presence of its Air Self Defense Forces (ASDF) operating in Kuwait and Iraq following the expiration of UNSCR 1790 on December 31. The contacts tell us Japan needs to know more about the U.S.-Iraq agreement, what other countries are planning to do, and what the UN reaction to all this will be. When told (ref B) that we are hearing "unofficially" from higher-level officials both in Tokyo and Washington that Japan plans to end its operations in Iraq this December, our interlocutors said they "lacked the mandate to discuss this at our level." END SUMMARY.

JAPAN HAS QUESTIONS

[1](#)3. (C) Japan has not yet made a decision as to what type of agreement it needs to pursue with Iraq if it is to continue to deploy ASDF personnel and equipment beyond December 31, said MOFA National Security Policy Division Deputy Director Takatoshi Mori and Iraq officer Takahiro Sato. In response to our questions posed per ref A, Mori replied that Japan needs to gather more information before a final decision can be made. In particular, Tokyo wants to know when the negotiations will resume and would like to have detailed information about the ongoing U.S.-Iraq negotiations, including the draft of the proposed agreement so that it can determine whether it meets Japan's needs. In particular, what kind of "vehicle" for third countries is the U.S. seeking to include, and does the "vehicle" automatically assure third countries will have the U.S.-Iraq agreement directly applied to the relationships between Iraq and the third countries, or does it assure that the same sort of contents could be guaranteed when third countries try to negotiate their own agreements with Iraq? In addition, Japan is curious to know what other Coalition partners are doing -- joining the U.S. agreement or negotiating their own? And finally, what is the UN reaction to the proposed agreement?

[1](#)4. (C) Another question the Japanese have is what type of

format are we aiming for with our agreement, a full-fledged international agreement which requires Congressional approval, or a lower-key technical level arrangement that the government can solely conclude? Regarding the arrangements under which Japan has deployed its forces to Kuwait, Mori pointed out there is no formal agreement that would have required parliamentary approval. Rather, there is a "governmental arrangement" between Kuwait and Japan agreed upon by the executives. He hinted that if Japan were to consider an agreement of some kind with Iraq, it would be likely to follow the Kuwait model.

THREE MORE QUESTIONS

15. (C) In addition to the questions posed above, Mori also wanted to know whether the U.S. is considering waiving criminal jurisdiction over its personnel. He said that when the Iraq SOFA negotiating team visited Japan last month (ref C), Under Secretary Hamoud met with Deputy Vice Minister for Foreign Police Chikao Kakwai and told him the Iraqi side has serious reservations about giving up its jurisdiction over any foreign forces in the country. This would be a great concern to Japan, and Mori asked what our position on this is.

16. (C) Mori then said he read a recent statement by Ambassador Crocker that asserted Iran is making the SOFA negotiations difficult. Japan would like to know how Iran is doing this and, more generally, what impact is Iran having on the negotiations.

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17. (C) Lastly, Mori asked that we also confirm another statement he attributed to Ambassador Crocker that there will be no secret clauses in the SOFA.

LEAVING IN DECEMBER?

18. (C) All of this may be academic, because as reported ref B, we've been hearing "unofficially" from knowledgeable sources that the decision has already been made to end the ASDF mission and depart Kuwait in December. The general consensus here is that the Liberal Democratic Party's (LDP) loss of the Upper House last July makes it politically impossible to extend the legislation authorizing the mission when it expires in July 2009. And despite the fact that technically the existing legislation gives the government the authority to continue the mission even after the expiration of UNSCR 1790, and that the Cabinet is expected to approve on June 13 a one year continuation through July 2009 of the "basic plan" under which the forces operate, December would be a good time to proclaim success and go home. Resolution 1790 will expire, the U.S. Administration will be coming to an end, and the completion of a generally unpopular mission will bolster the fortunes of the precipitously faltering LDP. When asked about this by Political Officer, Mori said he "had no mandate to discuss this subject at this level."

ACTION REQUEST

19. (C) In spite of the uncertainty of Japan's intentions past December, Embassy requests guidance on how to respond to the questions posed by our MOFA counterparts in paragraphs 3 and 5-7.
SCHIEFFER